

DETAILED ACTION

Claims 1-6 and 14-18 are pending in the instant application. Claims 8-13 are cancelled by amendment filed on December 11, 2008. Claims 15-18 are cancelled by Examiner's Amendment. Claims 1-6 and 14 are allowed.

Response to Amendment and Remarks

The amendment, remarks and terminal disclaimer filed on December 11, 2008 were fully considered and entered into the application. The obviousness double patenting rejection of claims 1-3 and 6 over copending US Application No. 11/050,360 has been obviated by the filing of the terminal disclaimer on December 11, 2008 and the rejection has been withdrawn. The objection of claims 4, 5 and 14 for depending on a rejected base claim has also been withdrawn. The grounds for the 35 USC 112 1st paragraph rejection of claims 8-13 are moot in view of Applicant's amendment. Therefore, the 112 1st paragraph rejection has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The claims have been amended as follows: claims 15-18 are cancelled. In claim 6, lines 1 and 2, are replaced with "A pharmaceutical composition comprising a compound of formula (I), as defined in claim 1, or a pharmaceutically acceptable salt thereof and a pharmaceutically acceptable carrier and/or diluent."

REASONS FOR ALLOWANCE

The compounds and compositions of formula (I) are novel and non-obvious over the prior art because of the structural limitations that R1 and R2 can not be other than as defined in claim 1 (i.e. R1 can not be an amino group). The closest prior art is Abdelrazek et al. (*Synthesis*, pages 74-75, 1986), which discloses the following



compound 8a (page 75). This compound differs from a compound of the instant claims by having an amino group for R1 and -C(O)-phenyl for R2. The compound disclosed in Abdelrazek et al. does not fall within the scope of the compounds of the instant claims nor is it an obvious variant. Therefore, the compound disclosed in Abdelrazek et al. has different properties than the compounds of the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal A Saeed/
Primary Examiner, Art Unit 1626

Kristin Bianchi
Examiner
Art Unit 1626
